
By: **Senators Brochin and Stone**
Introduced and read first time: January 21, 2004
Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Child Abuse in the First Degree - Household Member or**
3 **Family Member**

4 FOR the purpose of prohibiting a household member or family member from causing
5 abuse to a minor that results in the death of the minor or causes severe physical
6 injury to the minor; subjecting a household member or family member who
7 violates this Act to penalties for child abuse in the first degree under certain
8 circumstances; and generally relating to child abuse in the first degree by
9 certain individuals.

10 BY repealing and reenacting, with amendments,
11 Article - Criminal Law
12 Section 3-601
13 Annotated Code of Maryland
14 (2002 Volume and 2003 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Criminal Law**

18 3-601.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Abuse" means physical injury sustained by a minor as a result of
21 cruel or inhumane treatment or as a result of a malicious act under circumstances
22 that indicate that the minor's health or welfare is harmed or threatened by the
23 treatment or act.

24 (3) "Family member" means a relative of a minor by blood, adoption, or
25 marriage.

26 (4) "Household member" means a person who lives with or is a regular
27 presence in a home of a minor at the time of the alleged abuse.

- 1 (5) "Severe physical injury" means:
- 2 (i) brain injury or bleeding within the skull;
- 3 (ii) starvation; or
- 4 (iii) physical injury that:
- 5 1. creates a substantial risk of death; or
- 6 2. causes permanent or protracted serious:
- 7 A. disfigurement;
- 8 B. loss of the function of any bodily member or organ; or
- 9 C. impairment of the function of any bodily member or organ.

10 (b) (1) (I) A parent or other person who has permanent or temporary care
11 or custody or responsibility for the supervision of a minor may not cause abuse to the
12 minor that:

- 13 [(i)] 1. results in the death of the minor; or
- 14 [(ii)] 2. causes severe physical injury to the minor.

15 (II) A HOUSEHOLD MEMBER OR FAMILY MEMBER MAY NOT CAUSE
16 ABUSE TO THE MINOR THAT:

- 17 1. RESULTS IN THE DEATH OF THE MINOR; OR
- 18 2. CAUSES SEVERE PHYSICAL INJURY TO THE MINOR.

19 (2) Except as provided in subsection (c) of this section, a person who
20 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the
21 first degree and on conviction is subject to:

- 22 (i) imprisonment not exceeding 25 years; or
- 23 (ii) if the violation results in the death of the victim, imprisonment
24 not exceeding 30 years.

25 (c) A person who violates this section after being convicted of a previous
26 violation of this section is guilty of a felony and on conviction is subject to:

- 27 (1) imprisonment not exceeding 25 years; or
- 28 (2) if the violation results in the death of the victim, imprisonment not
29 exceeding 30 years.

1 (d) (1) (i) A parent or other person who has permanent or temporary care
2 or custody or responsibility for the supervision of a minor may not cause abuse to the
3 minor.

4 (ii) A household member or family member may not cause abuse to
5 a minor.

6 (2) Except as provided in subsection (c) of this section, a person who
7 violates paragraph (1) of this subsection is guilty of the felony of child abuse in the
8 second degree and on conviction is subject to imprisonment not exceeding 15 years.

9 (e) A sentence imposed under this section may be separate from and
10 consecutive to or concurrent with a sentence for any crime based on the act
11 establishing the violation of this section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
13 October 1, 2004.